

FILED
MAY 30 2018
CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY JBL DEPUTY

Attachment 2 - EEOC Complaint Form

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
WACO DIVISION

Magnolia F. Doerr

(Name of plaintiff or plaintiffs)

Civil Action Number:

W18CA149

v.

Texas Department of Criminal Justice(Supplied
by Clerk's Office)

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Magnolia Doerr, Plaintiff,
 pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

[] Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.

[] The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).

[] The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).

[] The Equal Pay Act (29 USC § 206(d)) (EPA).

[] The Rehabilitation Act of 1973 (29 USC §791 et seq.) (Applicable to federal employees only).

Texas Department of Criminal Justice

2. Defendant _____ (Defendant's name) lives _____ at, or its business is located at 1500 State School Road, Gatesville, TX (street address), 1500 State School Road (city), Gatesville 76598 (state), Texas (zip). 76598

3a. Plaintiff sought employment from the defendant or was employed by the defendant at 1500 State School Road (street address),
(city), Galleriville (state), TX (zip). 76578

3b. At all relevant times of claim of discrimination, Defendant employed 100 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had _____ (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about October (month) 23 (day) 2017 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: November 2014 to November 29, 2017

5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about March (month) 1 (day) 2018 (year). (Not applicable to federal civil service employees).

6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on (month) March (day) 1, 2018 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE: PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

6b. Please indicate below if the E.E.O.C issued a Determination in your case:

[] Yes
[] No

VERY IMPORTANT NOTE: IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

[] Race (If applicable, state race) Asian
[] Color (If applicable, state color) _____

Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)
 Religion (If applicable, state religion) _____

National Origin (If applicable, state national origin) Filipino

Age (If applicable, state date of birth) 12/28/1969

Disability (If applicable, state disability) Service connected PTSD

Prior complaint of discrimination or opposition to acts of discrimination.

(Retaliation) (If applicable, explain events of retaliation) *I was threatened to be sent to prison for committing P.P. and federal fraud. on March 16, 2016
Reason was missing work days for training with the military.
The defendant: (Please select all that apply)*

failed to employ plaintiff.

terminated plaintiff's employment.

failed to promote plaintiff.

harassed plaintiff.

other (specify) refusal/denial of transfer request.

8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS,
AND ANY SPECIFIC COMMENTS MADE BY
DEFENDANT PERTAINING TO THE
DISCRIMINATION CLAIM ALLEGED ABOVE.

Please see attached documents

8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Please see attached documents

8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

Please see attached documents

Civil Complaint

1. Elizabeth Babic - explained in 8a attachment
2. Elizabeth Venezuela - explained in 8a attachment
3. Valencia Williams - she believed me in 8a attachment.
4. Tracey Root - because she was told by Carmen Garrett on 16 March 2016
5. Mary Brown -
6. Atty. Sophia Palat - email
7. Atty. Regina Andrews - email
8. Atty. Brian East - email
9. Ruth Lopez - who suggested me to make appointment at EEOC for discharge complaint.

8c. Charge of Discrimination by Karen Heard. It from EEOC Dallas
with Age of 1964. I have also documents here
complaints about Title VII Civil Rights,
from Unemployment Insurance, but
I will furnish these in the later date
or in the future if requested.

89. page 30 of Attachment 1 - Civil Complaint

1. Barbara Rhudy - harassment; sometime in November 2014, she said she is watching me because she had 9 Snitches (inmates that will tell her about my performance), this was over the phone I confided it to Catherine Mwangi the same night and Mary Elizabeth Venezuela. ~~at this mid-mo~~ event happened at DI dorm. On or around 16 January 2015, she screamed at me and call me stupid idiot, and threatened me she will fire me because of my stupidity coming to work having ~~post~~ surgery. Elizabeth Babic told me that she heard her screaming at me like that. Around mid-week of June 15- or 16, 2015, she refused to give me training because I'm old enough to know. I reasoned out, that she gave Catherine Mwangi briefing/training at the same dorm at the youth cell in B3. She send SGT. Suell to correct me because I screwed up according to her. Elizabeth Venezuela called me over the phone when she found Barbara Rhudy did not respond my call over the radio for the briefing. Many events (specific dates) to follow in the future.

2. Deborah Webb - told me over the phone that she can fire me and told me, I'm dummy, stupid, idiot Filipino to listen carefully in front of my dying mother.

—Over Please—

Case 6:18-cv-00149-JCM Document 3 Filed 05/31/18 Page 6 of 17
In front of my mother's doctor, Dr. Jeffrey Cayetana, and in front of my niece Tatiana Godinez on or around July 2015 (exact date will be given in a later date) this was reported by Major Scott in the same day because Deborah Webb transferred my call to the major before Ms. Webb will recommend my Vermilion because of me being dummy and stupid. Major Scott told me that she noted it because I ~~had~~^{had} suggested her to talk to my mothers doctor over the phone because my mother starts to have a problem breathing after she heard Ms. Webb over the phone. Major Scott said it is alright and she will acknowledge that I was telling her the truth. Meaning she refuses to talk to Dr. Cayetana over the phone because she believe me and she is rejecting the reported complaint.

3. On March 16, 2016 or that was 18th March specific date will be given later. Carmen Garrett and Major Holmes harassed me for more than an hour close to 2 hours

③ P.D.22-

threatened me to sign a violation of Federal Fraud Statement that I take a federal documents claiming a paid military leave. Both person threatened me that I will be sent to jail or prison if I won't sign the documents because I miss days of work going to train with the military un-approved Meaning I was not approved to train with the military (all of these are lies) witnessed by Denise Erickson. I highly believe, I was retaliated because I knew of a violation that these three person has committed. I believe they have done these to stop me from what ever I may complain. I went to report these incident & event at TDCO Dallas on the 17 or 18 March 2016, but TDCO rejected my complain to the reason that there is no evidence showing discrimination or retaliation - ~~Homeland~~ - over please -

I reported these incident to the
assistant Warden Celia Sellers on the
18 March 2016. (4)

(4) Celia Sellers - told me to go home and
can't come back to work on 23
October, 2018 because I was
hallucinating from the medica-
tion that Department of Veterans
Affairs Hospital prescribe me.
I have to be cleared by my primary
care doctor before I can go back
to work. VA doctor can not clear
me out because of the policy they
follow specially to an armed
worker like me. On this night,
I was not given specific instruction
on what to do. In fact I was in-
structed to go home and don't
make any calls because we'll
call you when can you go back
to work. I had faxed them
every thing I have from the
doctor and nobody called me.
Lt. Brenda Henry witnessed these
and I was told she was a new
lieutenant and knows nothing and
they expect me to know everything.

⑤ Karen Woody - HR Officer - 29 November 2018. She called me on that day and told me we discussed my military leave and advised me to turn in all government issues, uniform and ID and told I have to sign resignation or else I am not gonna get payment from unemployment benefits if I won't sign and it will look bad on my employment record. After I signed, she told that I really do not understand, she told me, I really don't get it. Meaning she denied everything she told me or assured me about my employment record and my employment insurance benefit. For me it was an insult that I really am a dummy. I was very upset that she was

tricked me and making me feel an idiot, so I called a lawyer in that day. I spoke to Atty. Sophia Palat about what just happened, what I was told by Karen Woody that day.

(I have a written statement/journal from the day I started working until the day I signed the resignation) to be furnished later). or upon request

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

still being committed by defendant. *Presently coming from Tracey Root, she and they need to be taken to court.*
 no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

Defendant be directed to employ plaintiff.
 Defendant be directed to re-employ plaintiff.
 Defendant be directed to promote plaintiff.

Defendant be directed to answer charges in court

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

30 May 2018

Date

Signature of Plaintiff

Mary Jane Circle

Address of Plaintiff

Copperas Cove, TX 76522

City

State

Zip Code

Telephone Number(s) 254-290-5710

email: maggie_derr@yahoo.com

W18CA149

Attachment 7 - Civil Cover Sheet & Instructions

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS <i>Magnolia F. Doerr</i> (b) County of Residence of First Listed Plaintiff <i>Coryell</i> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS <i>Coryell</i>																
County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)																	
(c) Attorneys (Firm Name, Address, and Telephone Number)																	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <table border="0" style="margin-left: 20px;"> <tr> <td><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input type="checkbox"/> 2 U.S. Government Defendant</td> <td><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</td> </tr> </table>		<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)												
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<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)																
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table border="0" style="margin-left: 20px;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td><input type="checkbox"/> 1 Citizen of This State</td> <td><input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td><input type="checkbox"/> 2 Citizen of Another State</td> <td><input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> 3 Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF	PTF	DEF	<input type="checkbox"/> 1 Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only) <table border="0" style="margin-left: 20px;"> <tr> <td style="background-color: #cccccc;">CONTRACT</td> <td style="background-color: #cccccc;">TORTS</td> <td style="background-color: #cccccc;">FORFEITURE/PENALTY</td> <td style="background-color: #cccccc;">BANKRUPTCY</td> <td style="background-color: #cccccc;">OTHER STATUTES</td> </tr> <tr> <td> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise </td> <td> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - 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V. ORIGIN (Place an "X" in One Box Only) <table border="0" style="margin-left: 20px;"> <tr> <td><input type="checkbox"/> 1 Original Proceeding</td> <td><input type="checkbox"/> 2 Removed from State Court</td> <td><input type="checkbox"/> 3 Remanded from Appellate Court</td> <td><input type="checkbox"/> 4 Reinstated or Reopened</td> <td><input type="checkbox"/> 5 Transferred from Another District (specify)</td> <td><input type="checkbox"/> 6 Multidistrict Litigation - Transfer</td> <td><input type="checkbox"/> 8 Multidistrict Litigation - Direct File</td> </tr> </table>								<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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VI. CAUSE OF ACTION (Brief description of cause) <p><i>Title VII Civil Rights Act of 1964, ADA Act of 1990, Section 704 of Title VII, On 12/29/2017, I was forced to resign from my position as Corrections Officer.</i></p>							
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VII. REQUESTED IN COMPLAINT: <input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.							
--	--	--	--	--	--	--	--

VIII. RELATED CASE(S) IF ANY (See instructions):							
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JUDGE _____ DOCKET NUMBER _____							
--	--	--	--	--	--	--	--

DATE _____ SIGNATURE OF ATTORNEY OF RECORD							
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FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____

JUDGE _____ MAG. JUDGE _____

FD-302 (Rev. 1-22-91)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA
 EEOC

450-2018-02249

Texas Workforce Commission Civil Rights Division

State or Local Agency, if any

and EEOC

Name (Indicate Mr., Mrs., Mrs.)

Ms. Magnolia E Doerr

Home Phone
(254) 290-5710Year of Birth
1969

Street Address

City, State and ZIP Code

99 Mary Jane Circle, COPPERAS, TX 76522

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two list under PARTICULARS below.)

Name:

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

No. Employees, Members

Phone No.
(254) 865-8901

Street Address

City, State and ZIP Code

1500 State School Road, GATESVILLE, TX 76598

Name:

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate boxes):

 RACE COLOR SEX RELIGION NATIONAL ORIGIN

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-29-2017

11-29-2017

 RETALIATION AGE DISABILITY GENETIC INFORMATION CONTINUING ACTION

(If PARTiculars are on additional paper is needed, attach extra sheet(s))

PERSONAL HARM: On November 29, 2017, I was forced to resign from my position as Corrections Officer. **RESPONDENT'S REASON FOR ADVERSE ACTION:** No reason given. **DISCRIMINATION STATEMENT:** I believe I have been discriminated against because of my race, Asian and my national origin, Filipino in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been discriminated against because of my disability in violation of the Americans with Disabilities Act of 1990. I also believe I have been discriminated against because of my age, 48 in violation of the Age Discrimination in Employment Act of 1967. I further believe I have been retaliated against in violation of Section 704 (a) of Title VII.

I will file this charge with both the EEOC and the State or local Agency, if any. I will advise the agency of its charge, my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

Digitally signed by Magnolia Doerr on 03-01-2018 12:15 PM EST

SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE
(month, day, year)

5/11/2018

Attachment with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

U.S. EQUAL OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Magnolia E. Doerr
99 Mary Jane Circle
Copperas, TX 76522

From: Dallas District Office
207 S. Houston St.
3rd Floor
Dallas, TX 75202



*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

450-2018-02249

Karen C. Heard,
Investigator

(214) 253-2873

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

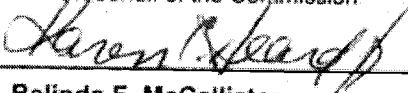
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Belinda F. McCallister,
District Director

3/1/18
(Date Mailed)

Enclosures(s)

cc:

Shelly Eve
Director of Employee Relations
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
2 Financial Plaza
Suite 600
Huntsville, TX 77340

Enclosure with EEOC
Form 161-17-16

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment; back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

"Actual" disability or a "record of" a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either "actual" or "record of" a disability):

- The limitations from the impairment no longer have to be severe or significant for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)). "**major life activities**" now include the operation of major bodily functions, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- Only one major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, the beneficial effects of "mitigating measures" (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) are not considered in determining if the impairment substantially limits a major life activity.
- An impairment that is "episodic" (e.g., epilepsy, depression, multiple sclerosis) or "in remission" (e.g., cancer) is a disability if it would be substantially limiting when active.
- An impairment may be substantially limiting even though it lasts or is expected to last fewer than six months.

"Regarded as" coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- "Regarded as" coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a "regarded as" claim only when the impairment at issue is objectively **BOTH transitory (lasting or expected to last six months or less) AND minor**.
- A person is not able to bring a failure to accommodate claim if the individual is covered only under the "regarded as" definition of "disability."

Note: Although the amended ADA states that the definition of disability "shall be construed broadly" and "should not demand extensive analysis," some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.